



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (206) 764-6985
Attn: Randel Perry, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: September 23, 2008
Expiration Date: October 22, 2008

Reference No.: NWS-2008-790-NO
Name: Whatcom County Public Works

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA). Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: Whatcom County Public Works
Mr. Kirk Christensen
2011 Young Street, Suite 201
Bellingham, Washington 98225
Telephone: (360) 715-7450

AGENT: David Evans and Associates
Mr. Petur Sim
119 Grand Avenue, Suite D
Bellingham, Washington 98225
Telephone: (360) 647-7151

LOCATION: Project is on Slater Road between Labounty Drive and Ferndale Road in wetlands abutting Tennant Creek near Ferndale, Whatcom County, Washington.

WORK: Excavate and install fill to elevate a portion of Slater Road.

PURPOSE: Prevent closures of Slater Road from flooding.

ADDITIONAL INFORMATION – The project has undergone revisions since its inception in 2005. Work involves permanently filling 0.94 of an acre of wetlands and temporarily filling 2.20 acres of wetlands. Work will also result in permanent impacts to 0.01 of an acre of buffers and temporary impacts to 0.15 of an acre of buffers. Temporary fill will be installed to provide a traffic bypass during road work and will be removed and wetlands and buffers

restored after work on Slater Road is complete. The proposed work of the roadway includes a 390 foot long elevated causeway with armoring along the Tennant Creek channel.

MITIGATION: Project impacts have been constrained to the road prism, temporary bypass area, and Tennant Creek channel. Project design includes measures to decrease wetland impacts by keeping the road fill to the narrowest width possible. Fill in the stream channel and adjacent wetlands has been designed to prevent erosion based on hydraulic modeling. To compensate for impacts to wetlands and buffers, the applicant has proposed rehabilitation of 8.37 acres of wetlands, enhancement of 4.61 acres of wetlands, and restoration of 0.15 of an acre of associated buffers. Mitigation will be constructed on-site. Sheets 8 through 11 of the attached drawing set provide details of the mitigation work.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Federal Emergency Management Agency (FEMA), as the lead agency for ESA consultation, has consulted with the NMFS and the USFWS as required under Section 7. FEMA has made a determination of "may affect, not likely to adversely affect" for listed Puget Sound chinook salmon, Puget Sound steelhead, and Puget Sound bull trout and a determination of "may affect, not likely to adversely affect" for chinook and bull trout designated critical habitat. Concurrence for the revised project from NMFS and USFWS was issued on June 11, 2007 and May 30, 2007, respectively.

ESSENTIAL FISH HABITAT: The FEMA, as the lead agency for a determination regarding EFH, has consulted with the National Marine Fisheries Services. FEMA determined that the project would not likely adversely affect EFH for Pacific salmon species. Concurrence for the revised project from NMFS was issued on June 11, 2007.

CULTURAL RESOURCES: The FEMA, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, has consulted with the State Historic Preservation Office and the Lummi Indian Nation as appropriate. FEMA determined that no historic properties would be affected by the project. Concurrence for the project from the State Historic Preservation Office and the Lummi Indian Nation was issued on December 7, 2005 and November 29, 2005, respectively. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species,

NWS-2008-790-NO, Whatcom County Public Works

historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: This proposal is the subject of a Shorelines Development Permit request being processed by Whatcom County.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

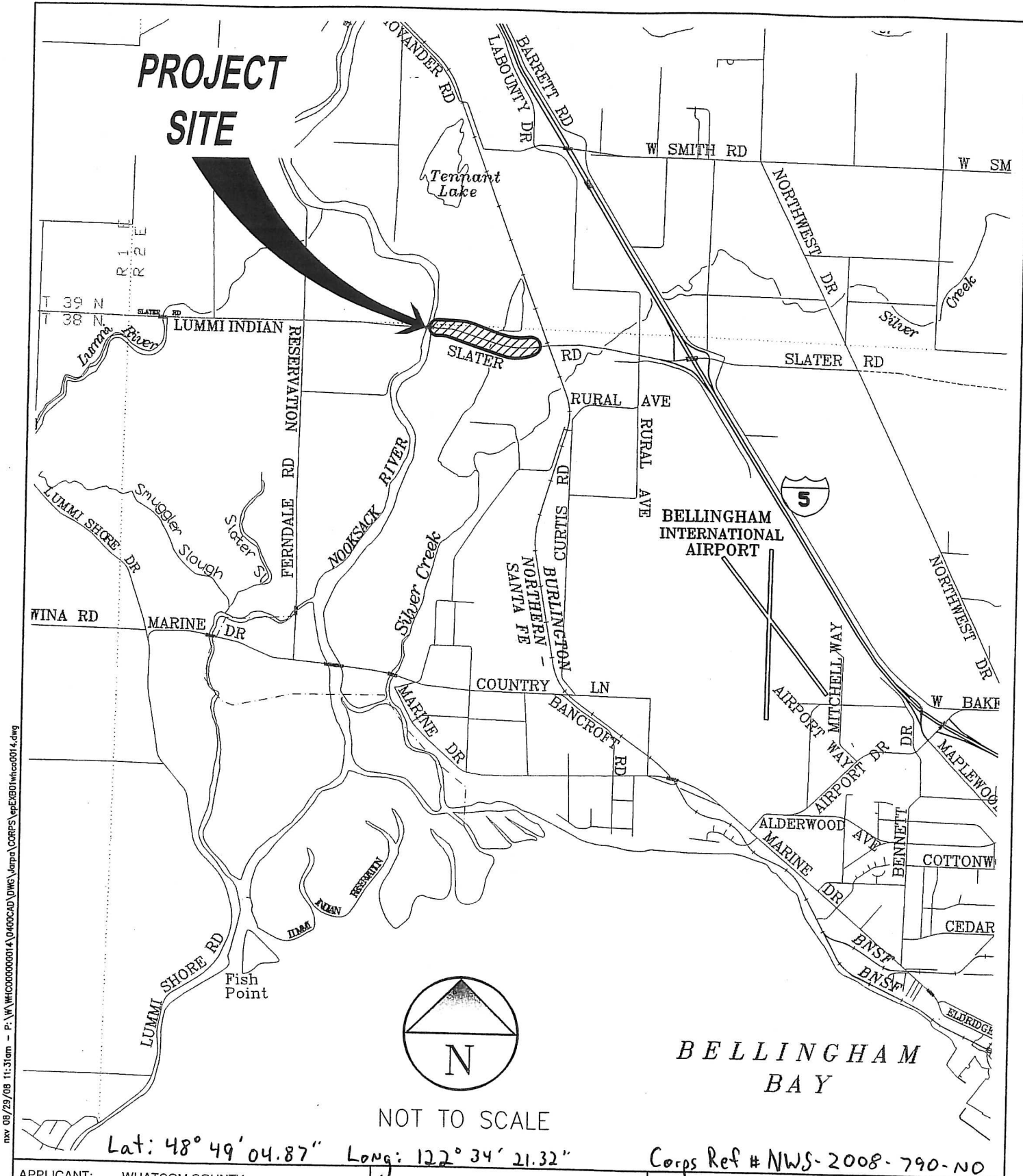
Corps comments: All e-mail comments should be sent to randel.j.perry@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Randel Perry, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Whatcom County Public Works, NWS-2008-790-NO

Encl: Figures (11)

PROJECT SITE



msv 08/29/08 11:31am - P:\W\HCO\000000014\0400CAD\DWG\Jarpa\CORPS\epx\0014\wcca0014.dwg

Lat: 48° 49' 04.87" Long: 122° 34' 21.32"

Corps Ref # NWS-2008-790-NO

APPLICANT: WHATCOM COUNTY
REFERENCE #: WHCO-0014
PROJECT: SLATER ROAD ELEVATION PROJECT
DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION
PURPOSE: RAISE ROAD ABOVE OHWM
WATERBODY: NOOKSACK RIVER/TENNANT CREEK
ADJACENT PROPERTY OWNERS: WDFW

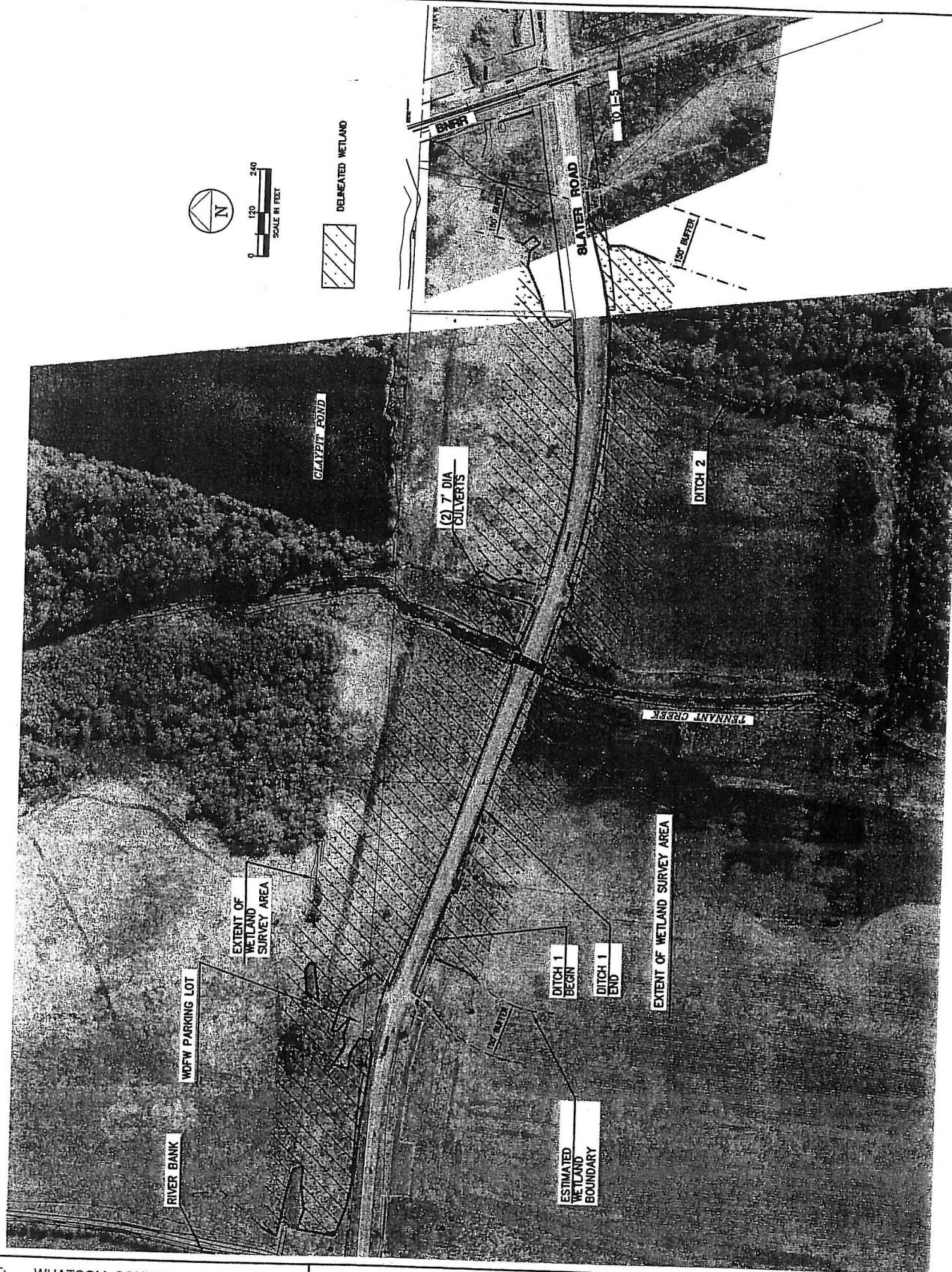


**DAVID EVANS
AND ASSOCIATES INC.**
 119 Grand Avenue, Suite D
 Bellingham Washington 98225
 Phone: 360.647.7151
 Fax: 360.647.7160

JARPA APPLICATION
VICINITY MAP

SEC 4 and 5, T 38 N, R 2 E
IN WHATCOM COUNTY
STATE: WASHINGTON
DATUM:
SHEET: 1 of 11
DATE: AUGUST 28, 2008

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APPLICANT: WHATCOM COUNTY
REFERENCE #: WHCO-0014
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JARPA APPLICATION
EXISTING CONDITIONS

SEC. 4 and 5, T 38 N R 2 E W.M.

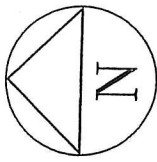
IN WHATCOM COUNTY

STATE: WASHINGTON

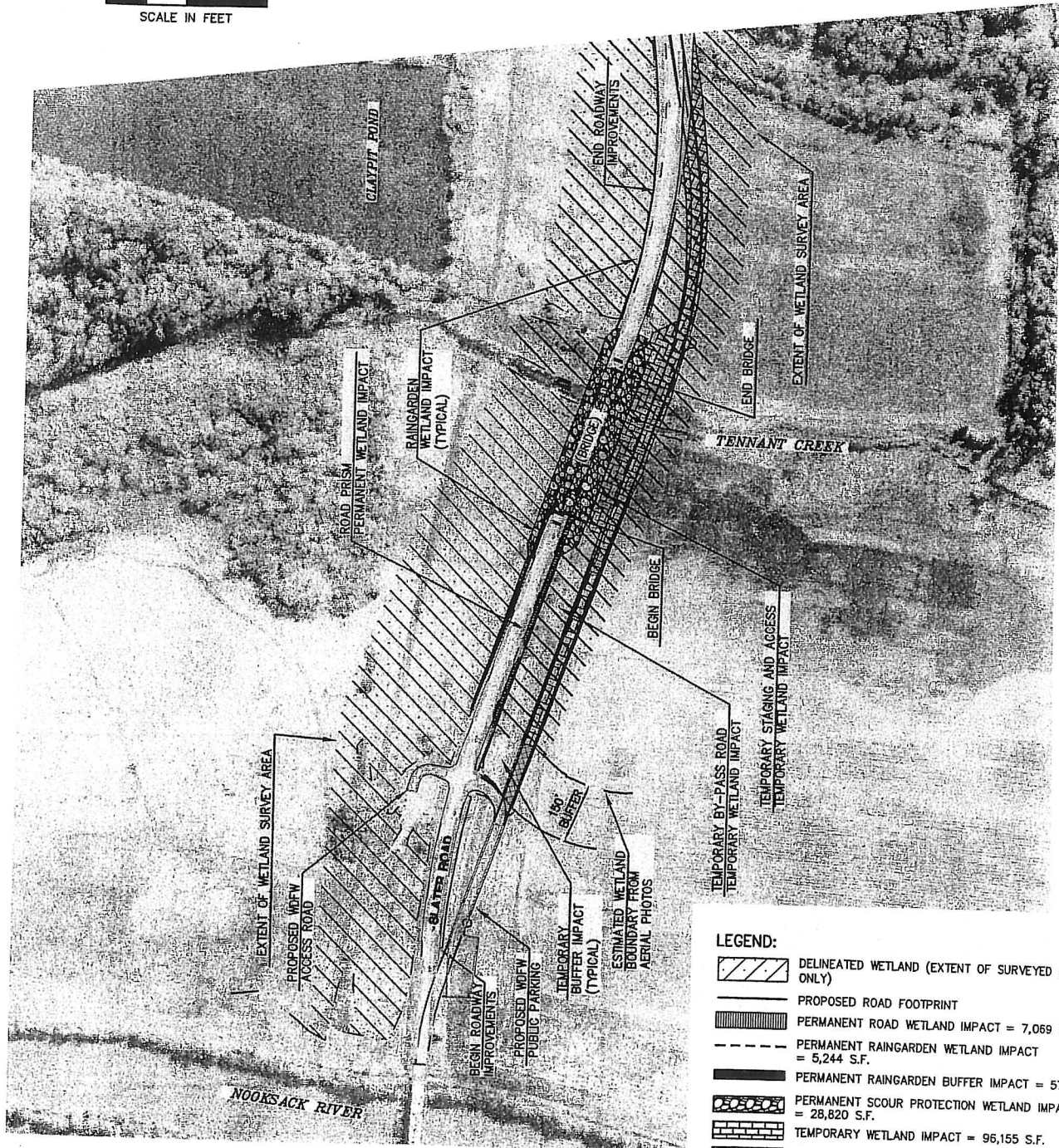
DATUM: NWS-2008-790-N0

SHEET: 2 of 11

DATE: AUGUST 28, 2008



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SCALE IN FEET



LEGEND:

- DELINEATED WETLAND (EXTENT OF SURVEYED AREA ONLY)
- PROPOSED ROAD FOOTPRINT
- PERMANENT ROAD WETLAND IMPACT = 7,069 S.F.
- PERMANENT RAINGARDEN WETLAND IMPACT = 5,244 S.F.
- PERMANENT RAINGARDEN BUFFER IMPACT = 572 S.F.
- PERMANENT SCOUR PROTECTION WETLAND IMPACT = 28,820 S.F.
- TEMPORARY WETLAND IMPACT = 96,155 S.F.
- TEMPORARY BUFFER IMPACT = 6,723 S.F.

APPLICANT: WHATCOM COUNTY

REFERENCE #: WHCO-0014

PROJECT: SLATER ROAD ELEVATION PROJECT

DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION

PURPOSE: RAISE ROAD ABOVE OHWM

WATERBODY: NOOKSACK RIVER/TENNANT CREEK

ADJACENT PROPERTY OWNERS: WDFW



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JARPA APPLICATION
WETLAND IMPACTS

SEC 4 and 5, TWN 38 N, RNG 2 E

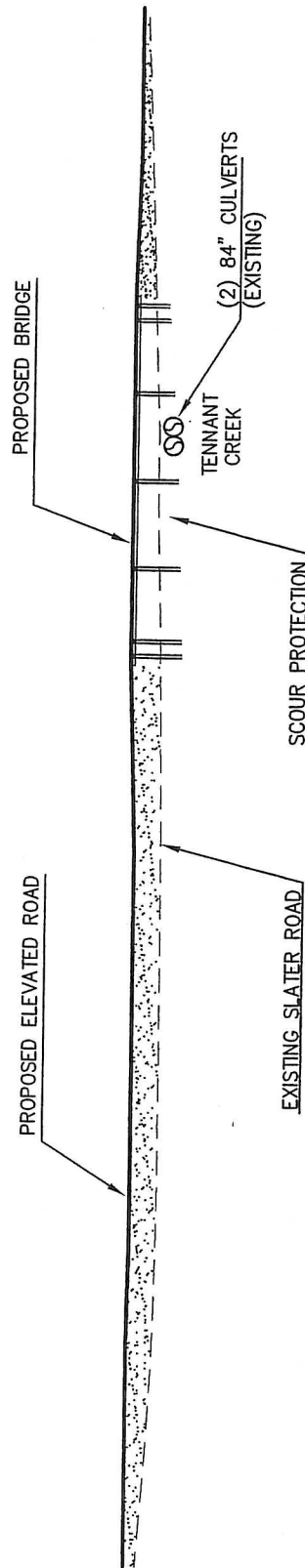
IN WHATCOM COUNTY

COUNTY / STATE: Washington

DATUM: NWS-2008-790-ND

SHEET: 3 of 11

DATE: AUGUST 28, 2008



ELEVATED 'SLATER ROAD' PROFILE

APPLICANT: WHATCOM COUNTY
REFERENCE #: WHCO-0014
PROJECT: SLATER ROAD ELEVATION PROJECT
DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION
PURPOSE: RAISE ROAD ABOVE OHWM
WATERBODY: NOOKSACK RIVER/TENNANT CREEK
ADJACENT PROPERTY OWNERS: WDFW

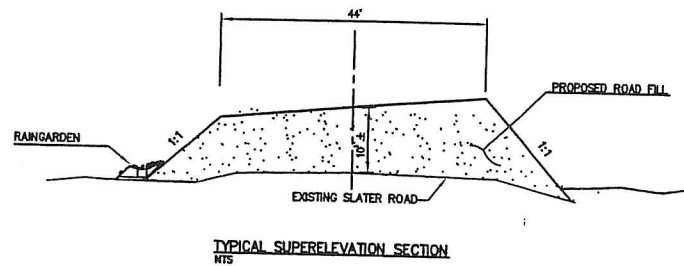
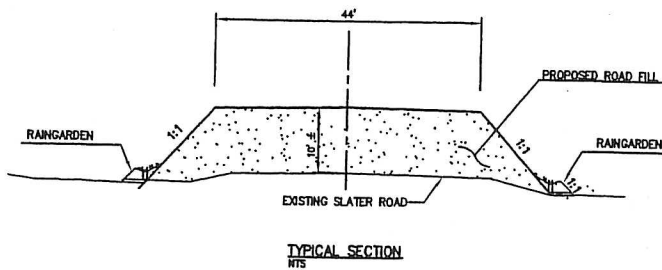
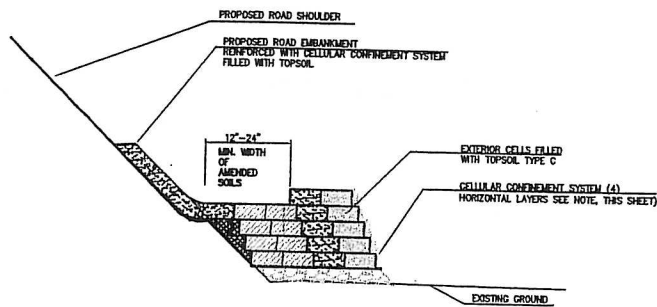
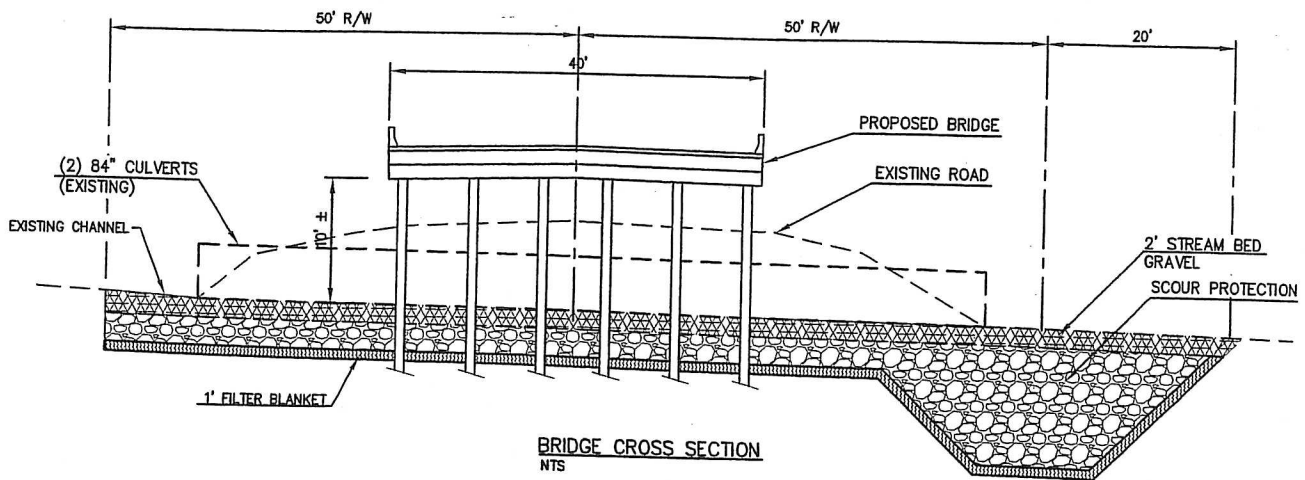


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JARPA APPLICATION
PROFILE

SEC.4 and 5, T 38 N R 3 E W.M.

IN WHATCOM COUNTY
STATE: WASHINGTON
DATUM: NWS-2008-790-ND
SHEET: 4 of 11
DATE: AUGUST 28, 2008



APPLICANT: WHATCOM COUNTY

REFERENCE #: WHCO-0014

PROJECT: SLATER ROAD ELEVATION PROJECT

DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION

PURPOSE: RAISE ROAD ABOVE OHWM

WATERBODY: NOOKSACK RIVER/TENNANT CREEK

ADJACENT PROPERTY OWNERS: WDFW



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JARPA APPLICATION
CROSS SECTIONS

SEC.4 and 5, T 38 N R 3 E W.M.

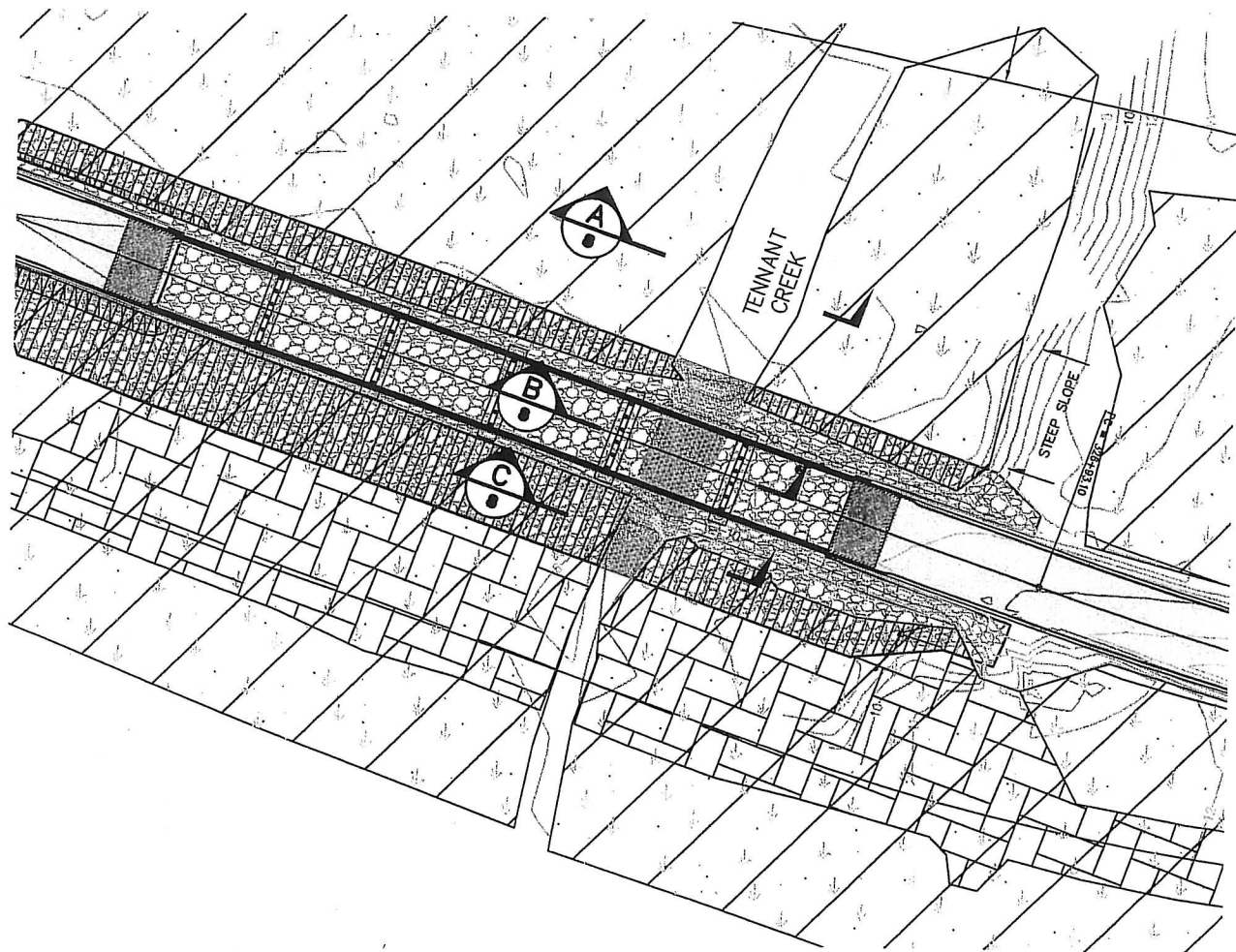
IN WHATCOM COUNTY

STATE: WASHINGTON






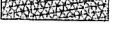
DATUM: **NWS-2008-790-N0**

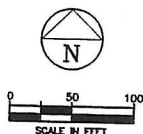
SHEET: **5** of 11

DATE: AUGUST 28, 2008



LEGEND:

-  DELINEATED WETLAND
-  PROPOSED ROAD FOOTPRINT
-  PERMANENT WETLAND IMPACT (SCOUR PROTECTION)
-  TEMPORARY WETLAND IMPACT
-  SCOUR PROTECTION
-  SCOUR PROTECTION (WITH STREAMBED GRAVEL)



APPLICANT: WHATCOM COUNTY
REFERENCE #: WHCO-0014
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PURPOSE: RAISE ROAD ABOVE OHWM
WATERBODY: NOOKSACK RIVER/TENNANT CREEK
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JARPA APPLICATION
CREEK DETAIL

SEC.4 and 5, T 38 N R 3 E W.M.

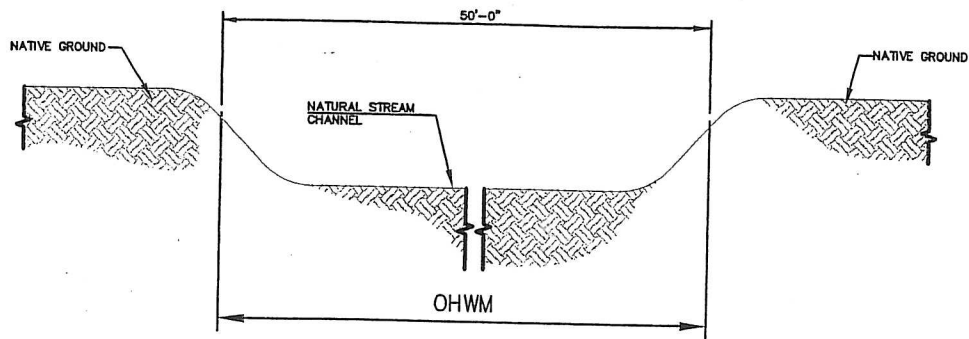
IN WHATCOM COUNTY

STATE: WASHINGTON

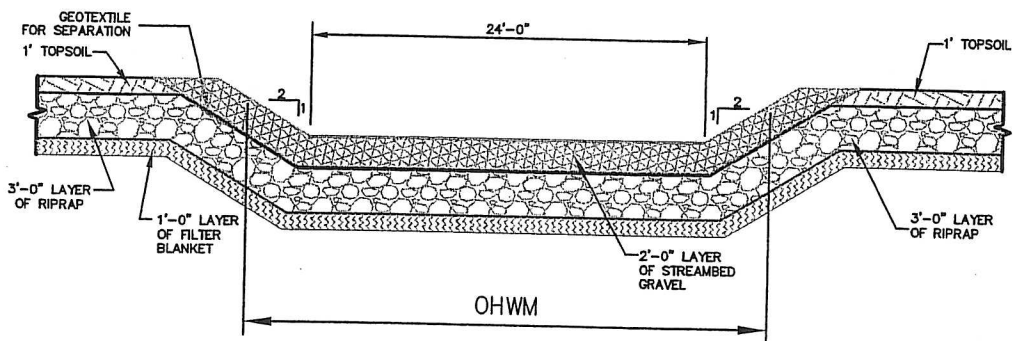
DATUM: NWS-2008-790-N0

SHEET: 6 of 11

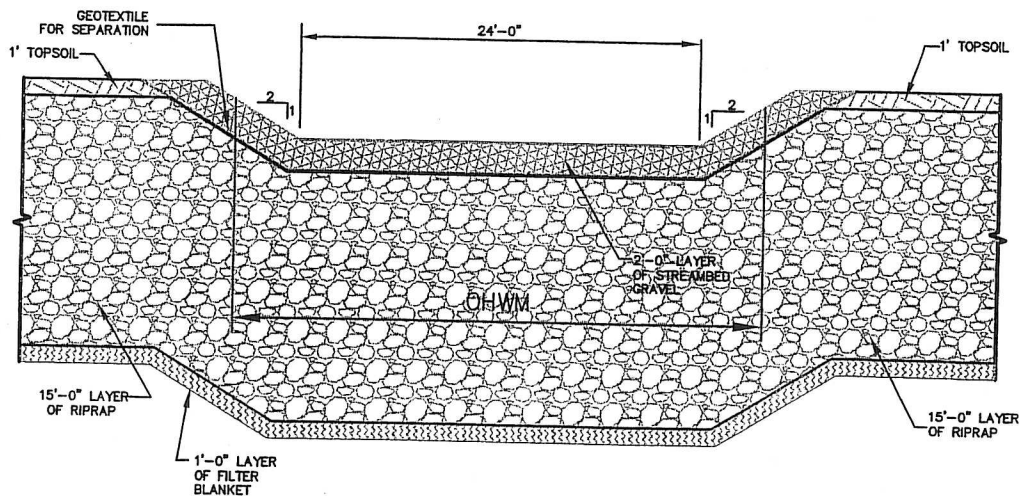
DATE: AUGUST 28, 2008



CREEK SECTION A
SCALE: NTS



CREEK SECTION B
SCALE: NTS



CREEK SECTION C
SCALE: NTS

APPLICANT: WHATCOM COUNTY
REFERENCE #: WHCO-0014
PROJECT: SLATER ROAD ELEVATION PROJECT
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JARPA APPLICATION
CREEK CROSS SECTIONS

SEC.4 and 5, T 38 N R 3 E W.M.

IN WHATCOM COUNTY

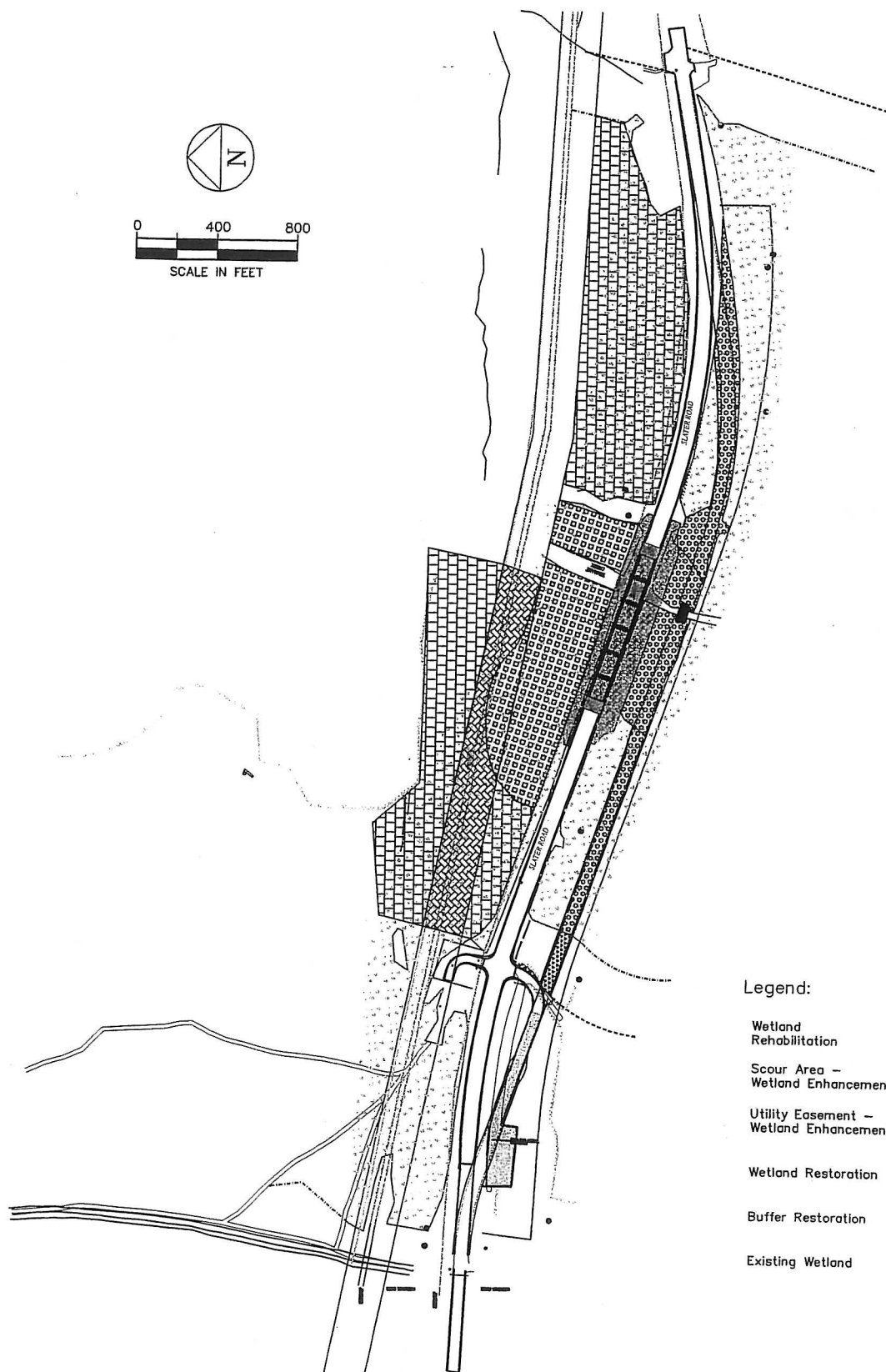
STATE: WASHINGTON

DATUM: NWS-2008-790-N0

SHEET: 7 of 11

DATE: AUGUST 28, 2008

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Legend:

Wetland Rehabilitation	= 364,630 S.F.	
Scour Area - Wetland Enhancement	= 126,339 S.F.	
Utility Easement - Wetland Enhancement	= 74,518 S.F.	
Wetland Restoration	= 96,556 S.F.	
Buffer Restoration	= 6,723 S.F.	
Existing Wetland		

APPLICANT: WHATCOM COUNTY

REFERENCE #: WHCO-0014

PROJECT: SLATER ROAD ELEVATION PROJECT

DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION

PURPOSE: RAISE ROAD ABOVE OHWM

WATERBODY: NOOKSACK RIVER/TENNANT CREEK

ADJACENT PROPERTY OWNERS: WDFW



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JARPA APPLICATION
WETLAND MITIGATION

SEC. 4 and 5, T 38 N R 2 E W.M.

IN WHATCOM COUNTY

STATE: WASHINGTON

DATUM: NWS - 2008-790 - NO

SHEET: 8 of 11

DATE: AUGUST 28, 2008

Wetland Rehabilitation - Forest/Shrub/Emergent Habitat

Botanical Name	Common Name	On-Center Spacing	Quantity	Size/Condition
<i>Alnus rubra</i>	Red alder	18 ft	219	Bare Root
<i>Betula papyrifera</i>	Paper birch	18 ft	219	Bare Root
<i>Cornus sericea</i>	Red-osier dogwood	5 ft	1572	Bare Root
<i>Crataegus douglasi</i>	Black hawthorn	5 ft	1572	Bare Root
<i>Lonicera involucrata</i>	Black twinberry	5 ft	1572	Bare Root
<i>Malus fusca</i>	Western crabapple	5 ft	1572	Bare Root
<i>Physocarpus capitatus</i>	Pacific ninebark	5 ft	1572	Bare Root
<i>Picea sitchensis</i>	Sitka Spruce	18 ft	219	Bare Root
<i>Populus balsamifera</i>	Black cottonwood	18 ft	219	Bare Root
<i>Rosa pisocarpa</i>	Peafruit rose	5 ft	1572	Bare Root
<i>Rubus spectabilis</i>	Salmonberry	5 ft	1572	Bare Root
<i>Salix lucida</i>	Pacific willow	5 ft	1572	Bare Root or Live Stakes
<i>Salix scouleriana</i>	Scouler willow	5 ft	1572	Bare Root or Live Stakes
<i>Salix sitchensis</i>	Sitka willow	5 ft	1572	Bare Root or Live Stakes
<i>Thuja plicata</i>	Western red-cedar	18 ft	219	Bare Root
Emergent Plants				
<i>Caryx obnubta</i>	Slough sedge	5 ft	3362	Bare Root
<i>Scirpus acutus</i>	Hard stem bulrush	5 ft	3362	Bare Root
<i>Scirpus atrocinctus</i>	Wooly sedge	5 ft	3362	Bare Root
<i>Scirpus microcarpus</i>	Small fruited bulrush	5 ft	3362	Bare Root
<i>Oenanthe sarmentosa</i>	Waterparsely	5 ft	3362	Bare Root
Total Plants			33,625	

Planting Note: Emergent plants are to be planted within the created depressions.

Wetland Restoration- Forest Habitat

Botanical Name	Common Name	On-Center Spacing	Quantity	Size/Condition
<i>Alnus rubra</i>	Red alder	18 ft	38	Bare Root
<i>Betula papyrifera</i>	Paper birch	18 ft	38	Bare Root
<i>Cornus sericea</i>	Red-osier dogwood	5 ft	268	Bare Root
<i>Crataegus douglasi</i>	Black hawthorn	5 ft	268	Bare Root
<i>Lonicera involucrata</i>	Black twinberry	5 ft	268	Bare Root
<i>Malus fusca</i>	Western crabapple	5 ft	268	Bare Root
<i>Physocarpus capitatus</i>	Pacific ninebark	5 ft	268	Bare Root
<i>Picea sitchensis</i>	Sitka Spruce	18 ft	38	Bare Root
<i>Populus balsamifera</i>	Black cottonwood	18 ft	200	Live stakes
<i>Rosa pisocarpa</i>	Peafruit rose	5 ft	268	Bare Root
<i>Rubus spectabilis</i>	Salmonberry	5 ft	268	Bare Root
<i>Salix lucida</i>	Pacific willow	5 ft	268	Bare Root or Live Stakes
<i>Salix scouleriana</i>	Scouler willow	5 ft	268	Bare Root or Live Stakes
<i>Salix sitchensis</i>	Sitka willow	5 ft	268	Bare Root or Live Stakes
<i>Thuja plicata</i>	Western red-cedar	18 ft	38	Bare Root
Total Plants			3032	

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APPLICANT: WHATCOM COUNTY

REFERENCE #: WHCO-0014

PROJECT: SLATER ROAD ELEVATION PROJECT

DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION

PURPOSE: RAISE ROAD ABOVE OHWM

WATERBODY: NOOKSACK RIVER/TENNANT CREEK

ADJACENT PROPERTY OWNERS: WDFW



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JARPA APPLICATION
PLANTING

SEC.4 and 5, T 38 N R 3 E W.M.

IN WHATCOM COUNTY

STATE: WASHINGTON

DATUM: NWS-2008-790-N0

SHEET: 9 of 11

DATE: AUGUST 28, 2008

Wetland Restoration- Shrub Habitat

Botanical Name	Common Name	On-Center Spacing	Quantity	Size/Condition
<i>Cornus sericea</i>	Red-osier dogwood	5 ft	159	Bare Root
<i>Crataegus douglasii</i>	Black hawthorn	5 ft	159	Bare Root
<i>Lonicera involucrata</i>	Black twinberry	5 ft	159	Bare Root
<i>Malus fusca</i>	Western crabapple	5 ft	159	Bare Root
<i>Physocarpus capitatus</i>	Pacific ninebark	5 ft	159	Bare Root
<i>Rosa pisocarpa</i>	Peafruit rose	5 ft	159	Bare Root
<i>Rubus spectabilis</i>	Salmonberry	5 ft	159	Bare Root
<i>Salix scouleriana</i>	Scouler willow	5 ft	159	Bare Root or Live Stakes
<i>Salix sitchensis</i>	Sitka willow	5 ft		Bare Root or Live Stakes
<i>Spirea douglasii</i>	Hardhack spirea	5 ft	159	Bare Root
Total Plants			1590	

Buffer Restoration

Botanical Name	Common Name	On-Center Spacing	Quantity	Size/Condition
<i>Acer circinatum</i>	Vine maple	5 ft	42	Bare Root
<i>Alnus rubra</i>	Red alder	18 ft	5	Bare Root
<i>Betula papyrifera</i>	Paper birch	18 ft	5	Bare Root
<i>Crataegus douglasii</i>	Black hawthorn	5 ft	42	Bare Root
<i>Holodiscus discolor</i>	Oceanspray	5 ft	42	Bare Root
<i>Populus balsamifera</i>	Black cottonwood	18 ft	5	Bare Root
<i>Pseudotsuga menziesii</i>	Douglas fir	18 ft	5	Bare Root
<i>Rosa nutkana</i>	Nootka rose	5 ft	42	Bare Root
<i>Sambucus racemosa</i>	Red elderberry	5 ft	42	Bare Root
<i>Salix scouleriana</i>	Scouler willow	5 ft	42	Bare Root
<i>Symphoricarpos albus</i>	Snowberry	5 ft	42	Bare Root
<i>Thuja plicata</i>	Western red-cedar	18 ft	5	Bare Root
Total Plants			319	

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APPLICANT: WHATCOM COUNTY

REFERENCE #: WHCO-0014

PROJECT: SLATER ROAD ELEVATION PROJECT

DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION

PURPOSE: RAISE ROAD ABOVE OHWM

WATERBODY: NOOKSACK RIVER/TENNANT CREEK

ADJACENT PROPERTY OWNERS: WDFW



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119 Grand Avenue, Suite D
Bellingham Washington 98225
Phone: 360.647.7151
Fax: 360.647.7160

JARPA APPLICATION
PLANTING

SEC.4 and 5, T 38 N R 3 E W.M.

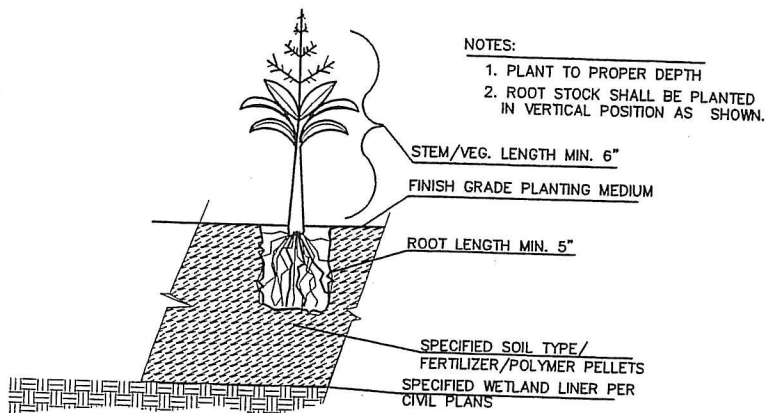
IN WHATCOM COUNTY

STATE: WASHINGTON

DATUM: NWS-2008-790-N0

SHEET: 10 of 11

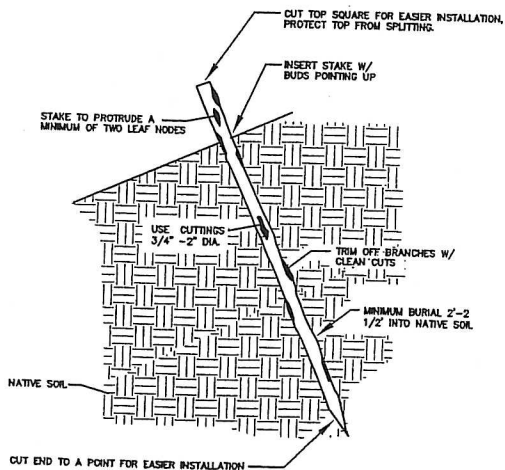
DATE: AUGUST 28, 2008



BARE ROOT PLANTING

N.T.S.

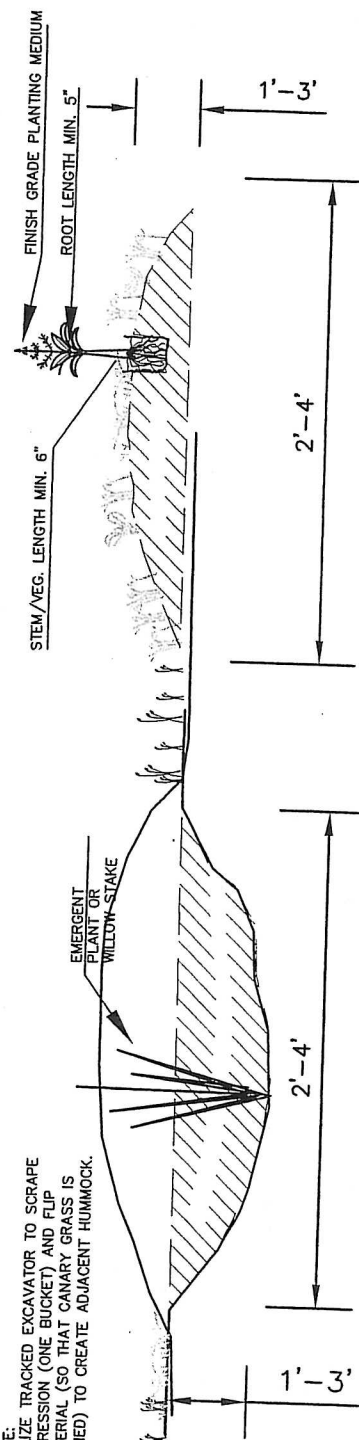
INSTALL DURING THE DORMANT SEASON
(SEPTEMBER - FEBRUARY). CUTTINGS
TAKEN AND INSTALLED SAME DAY



WILLOW STAKE INSTALLATION

N.T.S.

NOTE:
THESE MITIGATION PLANS ARE CONCEPTUAL.
THE FINAL MITIGATION PLAN WILL INCORPORATE
AGENCY COMMENTS OR CHANGES GENERATED
DURING THE PERMIT PROCESS.



NOTE:
UTILIZE TRACKED EXCAVATOR TO SCRAPE
DEPRESSION (ONE BUCKET) AND FLIP
MATERIAL (SO THAT CANARY GRASS IS
BURIED) TO CREATE ADJACENT HUMMOCK.

HUMMOCK CREATION SECTION (DELEVELING)

APPLICANT: WHATCOM COUNTY

REFERENCE #: WHCO-0014

PROJECT: SLATER ROAD ELEVATION PROJECT

DESCRIPTION: ROAD AND BRIDGE CONSTRUCTION

PURPOSE: RAISE ROAD ABOVE OHWM

WATERBODY: NOOKSACK RIVER/TENNANT CREEK

ADJACENT PROPERTY OWNERS: WDFW



DAVID EVANS
AND ASSOCIATES INC.

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JARPA APPLICATION
DETAILS

SEC.4 and 5, T 38 N R 3 E W.M.

IN WHATCOM COUNTY

STATE: WASHINGTON

DATE: NWS-2008-790-ND

SHEET: 11 of 11

DATE: AUGUST 28, 2008